IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

Crl.MC.No. 3484 of 2007()

CMP.3730/2007 of JUDL.MAGISTRATE OF FIRST CLASS-I, THAMARASSERY

CRIME 297/07 OF KODUVALLY POLICE STATION

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PETITIONER: PETITIONER

MARAKKARUVEETTIL MUHAMMED HANEEFA
AGED BAOUT 28 YEARS,S/O. UMMER,
MARAKKARAYIL HOUSE, PONNANI TALUK
MALAPPURAM.

BY ADV. SRI.JIJI THOMAS
SMT.SMITHA JIJI PAMBACKAL

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE, KODUVALLY POLICE STATION
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, AT ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C. No. 3484 OF 2007 A

Dated this the 5th day of December, 2007

O R D E R

The petitioner had filed application under Section 451 Cr.P.C. for release of his vehicle, which was seized in crime No.297/07 of Koduvally Police Station and produced before the learned Magistrate. By the impugned order Annexure-C, the said petition was dismissed on the ground that the expert in the Forensic Science Laboratory has to examine the said vehicle.

2. The learned Public Prosecutor today submits that steps have already been taken to get the vehicle examined by the expert at Forensic Science Laboratory. The State has no objection in the vehicle be released to the petitioner subject to appropriate conditions as soon as the inspection is complete.

3. This petition is allowed. The impugned order is set aside. The learned Magistrate is directed to release the vehicle to the petitioner subject to appropriate conditions immediately after the inspection of the vehicle by the expert of the Forensic Science Laboratory is completed.

Handover copy of this order today itself.

(R.BASANT, JUDGE)

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